

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM M HENDERSON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C11-1394-RAJ

ORDER

The Court, after careful consideration of the plaintiff's complaint, the defendant's motion, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and **ORDER:**

- (1) The Court adopts the Report and Recommendation.
- (2) The Commissioner shall have until **April 12, 2012**, to find the missing recording.
- (3) If the Commissioner locates the missing recording before that date, the Commissioner shall so notify the Court and shall file an answer and administrative record, or other appropriate responsive pleading, no later than that date. The Court will re-refer the case to the Judge Tsuchida and the case shall proceed in the usual manner.
- (4) If the Commissioner has not located the recording by that date, the Court will remand the case to the Commissioner for further administrative proceedings

1 pursuant to sentence six of 42 U.S.C. § 405(g). On remand, the Commissioner
2 will conduct a de novo hearing. The Court will retain jurisdiction of the case.

3 (5) The Clerk is directed to send copies of this Order to the parties and to Judge
4 Tsuchida.

5 DATED this 7th day of February, 2012.

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9 The Honorable Richard A. Jones
10 United States District Judge
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